IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 919 of 2005 (S/S)

Harvidra Kaur
W/o Shri Amandeep Singh
R/o Village Thonpuri (Jurka)
Post Kundeshwari
District Udham Singh Nagar … Petitioner

Versus

1. State of Uttaranchal through
   Secretary Education
2. Director Education (Uttaranchal)
   Dehradun
3. Joint Director (Education)
   Kumaon Division, Nainital … Respondents

Sri S.K. Mandal, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 29.06.2005(Annexure No. 2 to the petition) passed by the respondent No. 2 i.e. additional Director of Education, Pauri Garhwal.

Brief facts giving rise to this petition are that the petitioenr was appointed as Assistant Teacher (General) and joined her duties at G.G.I.C. Kanda District Bageshwar. In the year 1999, the petitioner was transferred from G.G.I.C. Kanda District Bageshwar to G.G.I.C. Kichha District Udham Singh Nagar. Thereafter, again in July 2002 the petitioner was transferred to G.G.I.C., Kashipur against the vacant post of Assistant Teacher (General). Thereafter, once again respondent No. 3 i.e. Joint Director (Education) transferred the petitioner from G.G.I.C. District Udham, Singh Nagar to District Bageshwar vide impugned transfer order dated 30.06.2005

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner ahs invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules oft Transfer of Teacher relating to Basic and Secondary Education.

I do not find any ground, which requires any interference of this Court by way of the jurisdiction to be invoked under article 226 of the Constitution of India.

The learned counsel for the petitioner could not point out anywhere as to whether action initiated by the respondents is based on mala fide. The petition, therefore, lacks merits and is liable to be dismissed.

Accordingly the petition is dismissed.

However, it is open for the petitioner to move fresh representation before the respondent No. 3 within a period of 15 days along with certified copy of the judgment and the respondent No. 3 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

12.07.2005
ASWAL